

**REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Applicants acknowledge the Examiners withdrawal of the previous rejections under 35 U.S.C. §§102 and 103.

**Double Patenting**

Claims 1-16 and 33-49 were rejected under the judicially created doctrine of obviousness-type double patenting. A terminal disclaimer in compliance with 37 CFR 1.321(c) is hereby submitted to overcome the provisional obviousness-type double patenting rejection over claims 1-25 of U.S. Patent No. 6,703,046 along with the terminal disclaimer fee.

**Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

/Alan M. Krubiner, Reg. No. 26,289/  
Alan M. Krubiner  
Registration No. 26,289  
Attorney for Applicant

Medtronic Vascular, Inc.  
3576 Unocal Place  
Santa Rosa, CA 95403  
Facsimile No.: (707) 543-5420